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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,018	09/02/2003	Allen Sykes	ITW7510.068	2017
33647	7590	02/07/2006	EXAMINER	
ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (ITW)			SHAW, CLIFFORD C	
14135 NORTH CEDARBURG ROAD				
MEQUON, WI 53097			ART UNIT	PAPER NUMBER

1725

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/605,018	SYKES ET AL.	
	Examiner	Art Unit	
	Clifford C. Shaw	1725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/22/2005 (the request for an RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/2/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1.) The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2.) Claims 4 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 4 and 5 depend from cancelled claim 3, making it unclear what applicant intends to claim. For the purposes of prior art rejections in this Office action, claims 4 and 5 will be assumed to depend from claim 1.

3.) The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4.) Claims 18-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Independent claim 18 includes a limitation directed to an "RC circuit" and independent claim 23 calls for an "RC filter". There is no disclosure in the originally filed specification of an "RC circuit" or an "RC filter" as set forth in claims 18 and 23 and these

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claims are thus considered to contain new matter. The other claims are rejected because they depend from independent claims 18 and 23.

5.) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6.) Claims 1, 2, and 4-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manz (3,544,759) taken with the SCR Manual excerpt and further in view of Yasuhara et al. (6,037,566). The patent to Manz (3,544,759) discloses a welding power source that includes features claimed, including: an output mode selector labeled “operators switch control”; and a selector circuit associated with elements 2, 4, 6, and 8 to energize a pair of output terminals at elements 24 and 44 with different volt-amp characteristics. Note that the output mode selector enables a user to identify different welding processes labeled “A” or “B”, these processes differing at least due to their different voltage settings. The claims differ from Manz (3,544,759) in calling for: the selector circuit to “electronically energize” the output terminals and more specifically the use of SCRs for this function (the selector circuit in Manz (3,544,759) energizes the outputs through the agency of electro-mechanical relays); the use of AC power of any number of phases; the provisions for constant current and constant voltage outputs as in claim 2; the provision for a common negative terminal as in claim 7; and the provision for filter circuits and inductive elements. These differences do not patentably distinguish over the prior art. At

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the time applicant's invention was made, it would have been obvious to have used any well known switching technology in Manz (3,544,759) in lieu of the relays explicitly shown. In particular, it would have been obvious to have used an SCR based switching approach, the motivation being the teachings of the SCR Manual excerpt that it is advantageous to use SCR based switching circuits instead of electro-mechanical switches (see the "introduction" on page 143 of the SCR Manual excerpt), thereby satisfying the claim language calling for electronically energizing an output terminal or using SCRs for this purpose. In regard to the claimed multiple phases, it would have been obvious to have used any well known source of A.C. in Manz (3,544,759), including poly-phase A.C., based on routine design considerations such as availability of a particular source, ripple constraints, etc. It would have been obvious to have adjusted to output modes in Manz (3,544,759) for constant current and constant voltage, the motivation being the teachings of Yasuhara et al. (6,037,566) that it is advantageous for a multiple output power supply to provide these modes (see the abstract of Yasuhara et al. (6,037,566)). In regard to the common negative terminal and the various limitations directed to filters and inductors, it would have been obvious to have provided the system of Manz (3,544,759) with these features in view of the teachings of Yasuhara et al. (6,037,566) that such are advantageous in a multi-mode power supply (see the common negative terminal 10 in figure 1, see the inductors/filters at elements 3, 4, 7 in figure 1 and at elements 13 and 14 in figure 2 of Yasuhara et al. (6,037,566))

7.) Applicant's "Remarks" in his amendment filed on 10/24/2005 have been given careful consideration, but are not persuasive of patentability in view of the rejections above. In regard to

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applicant's comments concerning the filter circuit in claim 8, applicant is to note that claim 8 does not including any limitations to a pass band filter, nor is there any disclosure of a pass band filter. The inductive elements disclosed in the applied prior art will act as filters, filtering out high-frequency components due to their serial connection to the load.

Any inquiry concerning this communication should be directed to Clifford C Shaw at telephone number 571-272-1182. The examiner can normally be reached on Monday through Friday of the first week of the pay period and on Tuesday through Friday of the second week of the pay period.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Thomas G. Dunn, can be reached at 571-272-1171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Clifford C Shaw
Primary Examiner
Art Unit 1725

February 6, 2006